

NIH POLICY MANUAL

1310-Workplace Violence Prevention and Response

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1. **Explanation of Material Transmitted:** Describes the NIH policies (not specific procedures) regarding preventing and responding to work place violence.

2. **Filing Instructions:**

Remove: None

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WORKPLACE VIOLENCE PREVENTION AND RESPONSE

A. PURPOSE:

This chapter establishes the National Institutes of Health (NIH) policy governing responsibilities for preventing and dealing appropriately with threatening or intimidating behavior, potentially violent situations, or incidents of workplace violence.

The group established, CIVIL, is not intended to be used as a substitute for calling 911 when appropriate. Emergency situations and all responses to and investigations of emergency or potentially criminal workplace violence incidents remain the responsibility of the Division of Public Safety, Office of Research Services, or local police authorities.

B. BACKGROUND:

In 1996, the Secretary of Health and Human Services (HHS) issued a policy on workplace violence distributed to all HHS employees and updated that policy and issued a booklet on understanding and responding to workplace violence in HHS on March 5, 1997. The policy states that threatening or intimidating behavior and violence in the workplace are unacceptable conduct and will not be tolerated in HHS. In 1998, the Deputy Director, NIH issued a NIH policy memo on workplace violence and declared her support for the Office of Human Resource Management's Prevention Initiatives Against Hostility and Violence (PIAHV) working group. The results of PIAHV's work lie in the guidelines set out in this policy issuance and in the creation of CIVIL, which manages the on-going coordination of efforts to prevent violence in the workplace.

The name CIVIL is not an acronym but was chosen to represent the goal of "civil behavior in the workplace" and as the number to call from an NIH phone for assistance (CIVIL = 24845 or TTY 301-402-9499). The Deputy Director signed the Charter for CIVIL in July 1999 and updated it in 2000 and issued an updated policy memo on maintaining a safe work environment on February 18, 2000. All documents referenced here can be found on CIVIL's website at <http://civil.nih.gov/>.

C. POLICY:

All individuals physically located at an NIH-owned and/or leased facility or representing NIH at any place or time are to conduct themselves in a courteous and professional manner reflecting respect for all individuals, and are to report threats and acts of violence in accordance with the guidance provided in this chapter. Anyone reporting what they believe to be a legitimate concern about a threat or participating in an investigation of a reported action shall be assured of protection from any reprisals. Threats of violence, harassment, intimidation or other disruptive behavior are unacceptable in the workplace at NIH, and will be handled with administrative, disciplinary, and/or legal action, as appropriate.

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D. REFERENCES: For more information on the following references, please call CIVIL at 24845 or 301-402-4845 or refer to CIVIL's website at <http://civil.nih.gov/>.

1. Standards of Ethical Conduct for Employees of the Executive Branch (5 CFR 2635)
2. HHS Domestic Violence in the Workplace Policy
3. HHS Guidelines for Understanding and Responding to Violence in the Workplace
4. NIH Deputy Director memo on Violence in the Workplace July 21, 1998
5. Charter Establishing CIVIL, July 1999
6. NIH Acting Director memo on Maintaining a Safe Working Environment, February 2000
7. Office of Personnel Management handbooks

E. DEFINITIONS:

These definitions are provided for use in the context of this document and should not be construed as legal definitions. Please contact CIVIL (24845 or 301-402-4845 or TTY 301-402-9499) if you have any question as to whether these definitions apply in a specific situation.

1. Workplace Violence: An action at an NIH facility or by an individual while officially representing NIH that, in the opinion of a reasonable person, constitutes a threat of harm to a person or damage to property; or action that results in intentional infliction of physical harm to a person or actual damage to property and includes intimidating, harassing, or violent behavior as defined below.

2. Intimidating or Harassing Behavior: Conduct which in the opinion of a reasonable person creates a hostile environment, impairs agency operations, or frightens, alarms or inhibits others. This may include making statements which are false, malicious, disparaging, derogatory, rude, disrespectful, abusive, obnoxious, insubordinate, or which have the intent to hurt others' reputations. Physical intimidation or harassment may include holding, impeding or blocking movement, following, stalking, touching, or other inappropriate physical contact or advances, including attacks involving the use of a weapon, and actions such as hitting, punching, pushing, poking, or kicking. Intimidating or harassing behavior may cause bodily or emotional injury, pain and/or distress.

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3. CIVIL: A team of NIH experts which helps prevent workplace violence through: a) policy development; b) education; c) assessment of potentially violent incidents; and d) response to violent or potentially violent incidents. CIVIL is not an acronym but was chosen to represent the goal of “civil behavior in the workplace” and as the number to call from an NIH phone for assistance (CIVIL = 24845; CIVIL can also be reached at the full number of 301-402-4845). Its advisory services and assistance are available to all individuals at NIH facilities Monday through Friday, 8:30 a.m. to 5:00 p.m. Callers may be helped directly or referred to other resources. CIVIL is not intended to be used as a substitute for calling 911 when an individual feels police or other emergency help is needed.

4. Domestic Violence: Acts of physical and psychological violence, including intimidating or harassing behavior, that occur as part of personal relationships outside of work. Included in the concept of domestic violence are spousal abuse; abuse among intimates; as well as sexual and physical abuse of children and/or the elderly or the infirm.

5. Employee Assistance Program (EAP): A professional assessment, referral, and short-term consulting service available to all individuals at NIH and, in some situations, to their family members. The EAP can help address workplace and non-workplace situations which may affect the individual's job performance. EAP services are voluntary, confidential, and are paid for by NIH.

6. Local Authorities: Municipal, county, state, and federal law enforcement or public safety personnel, such as police, fire fighters, arson investigators, bomb/threat investigators, etc., of the civil jurisdictions where NIH facilities are located.

7. NIH Facility: A building, or part thereof, including grounds and parking lots, utilized or under the control of, assigned to or leased by or on behalf of NIH and/or its components where its employees or contractors are present for the purpose of performing their official duties.

8. Response Coordinator: The member of CIVIL's Response Team who takes the initial call on CIVIL's line (24845 or 301-402-4845 if not at an NIH phone or TTY 301-402-9499), assesses the urgency of the situation, provides guidance (including answering questions, giving advice, making referrals) and, as necessary, identifies and convenes the Response Team to meet with Institute or Center (IC) officials.

9. Response Team: A group of specialists convened at the request and/or with the concurrence of involved IC staff members, including the supervisor, human resources contact, and/or Executive Officer, among others, to help assess the potential seriousness of reported incident of workplace violence or of an intimidating, harassing, or threatening situation. CIVIL members of the Response Team may vary depending on the circumstances, but typically will include the Response Coordinator and representatives of the Employee Assistance Program, the

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Center for Cooperative Resolution, and/or the NIH or local police. Other expert resources will be called as needed. NIH facilities located out of the Bethesda/Rockville area may have their own response teams and may consult with and draw upon CIVIL's resources.

10. Threat: Any oral or written expression or gesture that could be interpreted by a reasonable person as conveying an intent to cause physical harm to persons or property. Statements such as, "I'll get him" or "She won't get away with this" may be examples of threatening expressions.

F. GENERAL RESPONSIBILITIES:

1. The Deputy Director for Management, NIH, is responsible for:

- a. supporting management and employee efforts to eliminate intimidating or harassing behavior and violence at NIH; and
- b. establishing and supporting NIH's CIVIL and the NIH workplace violence prevention and intervention program.

2. Institute and Center Directors are responsible for:

- a. promoting management and employee efforts to eliminate intimidating and harassing behaviors and violence at their IC; and
- b. supporting NIH's CIVIL and the NIH workplace violence prevention and intervention program within their IC.

3. Executive Officers are responsible for:

- a. ensuring managers and supervisors have the resources necessary: to inform employees of NIH policies on violence prevention and response; to train their staff in prevention techniques; and to carry out their duties as listed below;
- b. serving as the primary institute or center contact in response to concerns raised to them by CIVIL's Response Coordinator;
- c. speaking on behalf of IC management in the response to and resolution of threats or acts of violence in the workplace; and
- d. informing the Response Coordinator, upon request, of any incidents of violence that have been resolved within the IC without the assistance of CIVIL.

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4. All employees and individuals at NIH facilities are responsible for:

- a. their own behavior and interacting responsibly with all;
- b. promptly reporting any acts of violence, threats, and intimidating or harassing behavior in the workplace to appropriate authorities (such as the immediate supervisor, the IC Personnel Officer or other HR staff, the NIH police, or CIVIL);
- c. cooperating fully in investigations/assessments of allegations of workplace violence; and
- d. respecting the integrity of the process by refraining from making false allegations.

All employees and individuals at NIH facilities are encouraged to:

- e. seek appropriate assistance (e.g., Employee Assistance Program, or the Center for Cooperative Resolution, or the immediate supervisor) if they are experiencing stressful personal or work circumstances, emanating from any source, which may adversely affect their productivity or lead to intimidating and harassing behavior; and
- f. inform appropriate persons in the agency (such as supervisors, the IC Personnel Officer, and the NIH Police) about restraining orders and other protective court orders related to domestic situations so that assistance can be offered at the work site.

5. Managers and Supervisors are responsible for:

- a. acting promptly to prevent and respond to workplace violence;
- b. ensuring that all individuals at NIH facilities are provided information on the NIH workplace violence policy and procedures;
- c. being cognizant of situations that have the potential to produce violent behavior and promptly addressing them with all concerned parties;
- d. being sensitive to stress generated by the workplace and considering changes that could alleviate work-related stress;
- e. providing information to all about the resources provided by such organizations as the Employee Assistance Program and the Center for Cooperative Resolution;
- f. consulting with their IC Human Resources staff and/or CIVIL's Response Coordinator on how to prevent or respond to an incident;
- g. documenting allegations of workplace violence in a timely fashion, evaluating the results, and taking necessary action;
- h. ensuring that employees have time and opportunity to attend training for understanding and responding to threats or violence in the workplace;

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- i. assuring that thorough and appropriate pre-hire reference screening is performed to avoid hiring individuals with a history of violent, threatening, intimidating, or harassing behavior; and
- j. working with CIVIL and/or other appropriate NIH organizations or local authorities in restoring the workplace to a safe and productive state after an act of violence.

6. IC Personnel Officers are responsible for:

- a. providing guidance in investigating allegations of workplace violence raised by supervisors, managers, CIVIL's Response Coordinator, law enforcement personnel, and other individuals at NIH facilities;
- b. providing advice and assistance to managers and supervisors regarding appropriate personnel and administrative actions related to violent behavior, threats of violence, or other intimidating or harassing behavior;
- c. informing supervisors and managers of the importance and proper methods of screening applicants to avoid hiring an individual with a history of or the potential for violent behavior;
- d. consulting with CIVIL's Response Coordinator, as necessary, on how to prevent or respond to an incident.

7. The NIH Division of Public Safety, ORS, is responsible for:

- a. providing technical advice and support regarding physical security matters;
- b. participating in conducting threat assessment reviews as part of a Response Team;
- c. assisting in the provision of training to managers and employees on dealing with violent and threatening behavior in the workplace;
- d. conducting investigations of threats or incidents of workplace violence and placing criminal charges as appropriate;
- e. providing an NIH Police representative on CIVIL who will help establish liaison with local police for all off campus facility issues potentially requiring police intervention, and will act as liaison with local authorities and outside law enforcement agencies;
- f. maintaining an ongoing security awareness program;
- g. gathering incident reports on workplace violence in NIH; and
- h. preparing trend reports and other analyses of the incident report data.

8. The Employee Assistance Program (EAP) is responsible for:

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- a. providing consultation and guidance to supervisors in dealing with employees with performance or conduct problems;
- b. providing consultation and guidance for people in dealing with colleagues with whom they have interpersonal difficulties;
- c. providing short-term counseling ;
- d. referring individuals needing long-term counseling to appropriate treatment resources;
- e. assisting in the provision of training about dealing with violent and threatening behavior in the workplace; and
- f. participating in conducting threat assessments as part of a Response Team.

9. The Unions and their representatives are responsible for:

- a. being cognizant of situations that have the potential to produce violence and promptly addressing them, as appropriate, with all concerned parties;
- b. being sensitive to stress generated by the workplace and assisting employees in alleviating it;
- c. informing employees of the services provided by the Employee Assistance Program and the Center for Cooperative Resolution;
- d. promptly reporting incidents of workplace violence or threats of violence or intimidating or harassing behavior to appropriate authorities such as a supervisor, CIVIL's Response Coordinator, or the IC Executive Officer.
- e. advising employees, if they inquire, of the proper procedures for reporting violent behavior such as notifying police, or, before an incident takes place, their supervisor, CIVIL's Response Coordinator, or the IC Executive Officer.

G. CIVIL RESPONSIBILITIES:

CIVIL consists of the CIVIL Advisory Committee defined in its Charter and a Response Team composed of some of the Advisory Committee members and other resources as needed. Its website is <http://civil.nih.gov/>.

1. The Advisory Committee:

- develops, recommends, consults on, or implements policies, practices and education tools regarding the prevention of and response to workplace violence;
- prepares, maintains, and distributes statistical information on workplace violence incidents;

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- maintains a web site providing information on workplace violence guidance, resources, and policy; and
- documents and evaluates CIVIL's effectiveness.

2. The Response Coordinator:

- serves as the administrator for CIVIL;
- as appropriate, notifies the IC EO and/or Personnel Officer of requests for guidance from employees and managers and of any incidents reported to CIVIL; and
- provides the initial response to calls to CIVIL at 24845 or 301-402-4845 or TTY 301-402-9499 convening the Response Team as needed.

3. The Response Team:

- helps assess the potential seriousness of a threatening situation;
- provides consultation and intervention strategies from trained staff; and
- assists in managing the aftermath of a violent incident and its effect on staff.

H. RECORDS RETENTION AND DISPOSAL

All records (e-mail and non-e-mail) pertaining to this chapter must be retained and disposed of under the authority of NIH Manual 1743, "Keeping and Destroying Records, Appendix 1, "NIH Records Control Schedule," Item 1100-H-3.

NIH e-mail messages. NIH e-mail messages (messages, including attachments, that are created on NIH computer systems or transmitted over NIH networks) that are evidence of the activities of the agency or have informational value are considered Federal records.

These records must be maintained in accordance with current NIH Records Management guidelines. Contact your IC Records Officer for additional information.

All e-mail messages are considered Government property, and, if requested for a legitimate Government purpose, must be provided to the requester. Employees' supervisors, NIH staff conducting official reviews or investigations, and the Office of Inspector General may request access to or copies of the e-mail messages. E-mail messages must also be provided to Congressional oversight committees if requested and are subject to Freedom of Information Act requests. Since most e-mail systems have back-up files that are retained for significant periods of time, e-mail messages and

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attachments are likely to be retrievable from a back-up file after they have been deleted from an individual's computer. The back-up files are subject to the same requests as the original messages.

I. MANAGEMENT CONTROLS

The purpose of this issuance is to establish NIH policy governing responsibilities and procedures for preventing and dealing appropriately with incidents of workplace violence.

1. Office(s) Responsible for Reviewing Management Controls Relative to this Chapter:

Office of the Deputy Director for Management, NIH

2. Frequency of Review: Reviews will be conducted once every three years.

3. Method of Review: The Deputy Director for Management, NIH, will maintain oversight and ensure effective implementation and compliance with this policy through review of a number of resources, including:

- a. Review of NIH CIVIL policy to ensure that the policy and procedures are current.
- b. Review of annual report by CIVIL documenting and tracking cases and accomplishments

4. Review Reports are sent to: Director, NIH and the CIVIL Advisory Committee, NIH.